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The Washington Merry-Go-Round

Liberty Lobby Guns for Fortas

By Drew Pearson

The Liberty Lobby, which deluged voters with that smear sheet against President Johnson just before the November election, is working backstage to do a job on the President's new appointee to the Supreme Court, Abe Fortas.

This time, however, the Liberty Lobby has got smart. Instead of coming out in the open with their anti-Fortas campaign, the right-wing masterminds who direct the lobby are working through conservative front men.

They have been digging into the old McCarthy hearings to show that the Fortas law firm once represented Owen Lattimore, the Johns Hopkins professor smeared by Joe McCarthy. They are also trying to tie Fortas up with the Alger Hiss-Lee Pressman clique in the Department of Agriculture in the early days of the New Deal.

To lend some conservative credence to their charges, Rep. Durward G. Hall (R-Mo.), spokesman for the American Medical Association and an admirer of the John Birch Society, was enlisted to spearhead the anti-Fortas drive.

Pearson

My own investigation of Fortas's background shows that he was in the legal division of the Agriculture Department very briefly on a part-time basis while teaching at the Yale Law School in 1933-34.

Fortas was not in the Agriculture Department long enough to know any of its alleged Communists. After spending most of his time in San Francisco, Fortas went back to Yale, then back to Washington to work in the Securities and Exchange Commission, later transferred to the Interior Department, where he served in the Division of Power, which Harold Ickes established to help promote the TVA, Grand Coulee Dam and Bonneville Dam.

A Long Friendship

It was here that Fortas, in 1935, met a lanky young Texan named Johnson, who had come to Washington to try to promote some dams for Texas.

In 1946, Fortas left the Interior Department, where he was Under Secretary, to become a partner in the law firm of Arnold, Fortas and Porter. His senior partner, Thurman Arnold, was the Yale law professor with whom he had served in the Agriculture Department, where Fortas is supposed to have become chummy with the alleged Communists.

It was Arnold more than Fortas who defended Owen Lattimore, though the firm has defended a lot of unpopular clients without fees, among them Dorothy Bailey, the Government worker who was fired from her job without having a chance to face her accusers. Arnold and Fortas won the case, and the Lattimore case.

Oil Influence?

In the latter case, the indictment against Lattimore was dismissed by U.S. Judge Luther Youngdahl. Lattimore was restored to his position at Johns Hopkins.

Another charge that Fortas's right-wing opponents have circulated against him is that he used his influence with the Johnson Administration to get special gasoline import quotas for Phillips Petroleum, which has contracted with the Puerto Rican government to build a huge refinery and petro-chemical plant in the island commonwealth.

Half a dozen oil companies have been raising cain over this ever since May. And now that Fortas has been appointed to the Supreme Court his enemies are claiming that his representation of the Puerto Rican government gives him a conflict of interest.

A conflict of interest, however, is a case where a public official, usually secretly, profits from an outside interest that is contrary to the government's.

In Fortas's case, there was nothing secret about his representation of the Puerto Rican government. And having been out of government for 19 years, there was no conflict.

It is also no secret that Puerto Rico has long been trying to persuade an oil company to establish a refinery and a petro-chemical industry on the island. Six different companies, however, turned the proposal down.

Finally Phillips agreed to invest $45 million in a refinery, making the Puerto Rican government 25 per cent owner, and agreeing to reinvest all profits in local satellite companies during the next ten years. Eventually, the Phillips investment should produce about 30,000 jobs.

Secretary of the Interior Stewart L. Udall, recognizing the benefits to Puerto Rico, increased the oil import quotas for Phillips so it could sell refined gasoline along the seaboard. This brought a howl of protest from competing companies along the Atlantic coast. Some of them are now trying to reverse the quota, and are supporting the backstage opposition to Abe Fortas for the Supreme Court.

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